

A Comparative Assessment of Electoral Management Bodies and Administration of Elections in Nigeria and Ghana

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Abstract: Ghana and Nigeria are two countries in the West African sub-region that share significant historical similarities like British colonialism, nationalism, economic crisis, prolonged military rule, multi-party democracy and are in their fourth republics. With the global democratization process, Ghana and Nigeria successfully made the transition to civil rule in 1992 and 1999 respectively and are rated differently on the democratization scale. While the former is rated high, the latter is rated low in comparative ranking within the same period of democratization. This paper set out to assess the effectiveness of electoral administration bodies in the conduct of credible and acceptable elections in Nigeria and Ghana and to suggest possible ways of improving election administration in line with international best practices. With intense reliance on descriptive analysis, the paper noted that whereas Ghana has made impressive progress in the democratization process in terms of effective administration and the overall quality of elections, Nigeria is yet to record such impressive progress. The paper also observed that the independence of electoral management body and effective leadership played positive roles in enhancing effective electoral administration in Ghana while the reverse is the case in Nigeria. Consequently, the paper recommended among others, overhauling and strengthening of Electoral Commission of Nigeria to make it independent in the discharge of its responsibilities, while the Electoral Commission of Ghana should strive to sustain its cooperation with all stakeholders in the electoral process to ensure credibility in the management of elections.

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I. INTRODUCTION

Electoral competition has progressively occupied a central place in the political life of almost all the countries of the West African sub-region since the beginning of what has been called the 'third wave of democratization' at the beginning of the 1990s. The direct consequence of this, according to Kambale (2011), has been the creation of Electoral Management Bodies (EMBs) described as 'independent' of the executive in almost all the countries of the sub-region. Hence, electoral management bodies have become a keystone of the process of democratization in the countries of West Africa. Their composition, mandate and activities have attracted increasing public attention. The role of Independent Electoral Management Bodies or Electoral Commissions is crucial to the outcome of an election as these electoral bodies derive their powers and mandate from the national constitutions. This, as remarked by Mapuva (2010), include administering and implementing laws regarding the registration of voters, overseeing the actual conduct of elections, supervising the ballot and the count, promoting transparency at all levels and being accountable to the public and parliament where one exists. But most important of all, the role of an EMB is to ensure that elections are conducted in conformity with the laws of the country.

In West Africa, overwhelming evidence points to the fact that elections conducted by independent electoral bodies are more successful, and the results respected. In countries where election results have been respected, the state has ceded greater responsibility to the electoral administration body, such as the Electoral Commission in Mali, Ghana and Senegal. In the same way, where evidence indicate the absence of administrative clarity and the political will on the part of the Electoral Commission to enforce the rules, election results are always viewed with suspicion by the populace as is the case in Kenya, Nigeria and Zimbabwe. In such an atmosphere, groups who feel swindled and abandoned by the electoral process will resort to non-democratic forms of protests.

It is against the above observations that this paper became imperative and set to examine electoral administration in Nigeria and Ghana under the Fourth Republic. The choice of Nigeria and Ghana was predicated on the premises that both countries share similar historical experiences. Both countries were victims of exploitative and dehumanizing British colonialism. They both achieved political independence through a series of constitutional conferences (Idisi and Idisi, 1996). Economically, both countries have been faced with

similar economic problems of mass poverty and misery. Contemporaneously, both countries are multi-party democracies and are in their Fourth Republics after seeing their democracies battered by a series of military interventions (Otoghile and Obakhedo, 2011). Moreover, the electoral management bodies in both countries are constituted by the presidents of the countries. With the global democratization process, particularly in the post-cold war era, Ghana and Nigeria successfully made the transition to civil rule in 1992 and 1999 respectively. However, with 26 and 19 years of uninterrupted civil rule and the successful transfer of power from the ruling party to the opposition party in 2000, 2008 and 2016, Ghana's democracy, unlike in the Nigerian situation, is largely seen to be consolidating.

The paper assumed that if Ghana can within the same period of democratization conduct relatively transparent elections, Nigeria, her Sub-Saharan West African neighbour, co-developing nation and democratizing society like it, all things being equal, should be able to exhibit similar feat. Conversely, if Nigeria remains an exception to this proposition, then relevant variables should be compared to pin-point the areas of divergence. Thus for a proper comparative analysis, the paper posed the following pertinent questions:

- (i) Can the independence of an electoral administration body engender the conduct of credible and acceptable elections in Nigeria and Ghana?
- (ii) How can electoral administration be improved in Nigeria and Ghana in line with international best practices?

Consequent upon the foregoing, the main objective of the paper was to examine the effectiveness or otherwise of electoral management bodies in the administration and conduct of elections in West Africa using Nigeria and Ghana as case studies while the specific objectives were:

- (i) To ascertain if the independence of an electoral administration body can engender the conduct of credible and acceptable elections in Nigeria and Ghana.
- (ii) To suggest possible ways of improving electoral administration in the West African sub-region.

Theoretical Framework

This paper adopted the structural functional theory for its theoretical base. Propounded by Gabriel Almond and Bingham Powell (1966), the structural functional theory underscores the role of structures and functions in understanding politics and political processes and the conditions under which the structures can perform the functions. The basic assumption of the structural-functional theory is that all systems have structures, which can be identified, and those structures perform specific set of tasks if they are to remain in existence. All political systems are involved in the activities of the State, while the latter works towards the interests of the former (Johari, 2011). Consequently, the structural-functional analysis enables us to establish the relevance of the structures created by government to conduct elections and whether these structures have played any significant role in the consolidation of democracy in the countries under study: Nigeria and Ghana. The theory further helps us to understand the level of participation of the citizens in the electoral process in these countries.

In pragmatic terms, an Electoral Management Body (EMB) as a structure is seen as a key democratic institution with explicit functions. In most Sub-Saharan African countries, these commissions are established to oversee the conduct of public elections. To this end, the independence and credibility of the body is fundamental to the credibility and legitimacy of the electoral process. Therefore, the conduct and fairness of the commission is important. Obviously, the conduct of the EMB is a decisive factor in the determination of electoral outcomes, and their acceptability by the political actors. This implies that election of public officials is an important aspect of the electoral process, and for election to be free and fair, the citizens must have confidence or agree with the outcome of the election. Hence, the institution that performs the conduct of election is the Independent National Electoral Commission (INEC) in the case of Nigeria and the Electoral Commission (EC) in the case of Ghana. And so, there is a set of functional requirements, operational conditions that must be satisfied if the structures, INEC and EC are to continue to exist. Failure of these institutions to function in its primary assignment, will lead to malfunctioning of the whole system, and this will hamper democratic consolidation and consequently leads to structural decay. For example, in Nigeria, widespread electoral malpractices perpetuated by the Independent National Electoral Commission in 2007 provoked post-election violence which compelled President Yar'Adua (late) to promise in his inaugural speech to create an Electoral Reform Committee to review and overhaul the electoral process to save the system from decay (Onwudiwe and Berwind-Dart, 2010).

From the foregoing, it is clear that a strong and viable Electoral Commission is a sine-qua-non in a democratic state. This lends credence to the argument of Valenzuela (1992) that when political institutions are weak, the chances of democratic consolidation are slim. Corroborating this argument, Diamond (1999) emphasized the centrality of building or strengthening strong states' institutions in the struggle to consolidate democracy. That is, to achieve democratic consolidation there is need to ensure that the various institutions of government in general and the electoral management body in particular discharge its duties with maximum standard of efficiency. It is within this framework that this paper assesses the management of elections in Nigeria and Ghana under the fourth democratic republics.

Understanding Electoral Management Body and Election Administration

According to Wall, Ellis, Ayoub, Dundas, Rukambe, and Staino (2006:6), Electoral Management Body is defined, with reference to its performance of core electoral functions, as:

An organization or body which has the sole purpose of, and is legally responsible for, managing some or all of the elements that are essential for the conduct of elections. These essential (or core) elements include: (a) determining who is eligible to vote; (b) receiving and validating the nominations of electoral participants (for elections, political parties and/or candidates); (c) conducting polling; (d) counting the votes; and (e) tabulating the votes.

It is discernible from the foregoing that electoral management is the process of arriving at free and fair selection of candidates to fill public positions. Such activity necessarily should involve well-coordinated actions by men and women aimed at achieving the goal of peaceful and orderly elections in a political system. Consequently, the overall goal of setting up an electoral body is to ensure a viable electoral system and a hitch-free electoral management.

The duties of an Electoral Management Body according to Musa (2001) include the following, among others:

- (i) Management of all elections as may be provided for by the constitution or laws of the country.
- (ii) Registration of political parties in accordance with the provisions of the constitution or laws of the country.
- (iii) Monitoring and supervision of the activities of political parties including their finances.
- (iv) Arrangement of annual examination and auditing of funds and accounts of political parties and publishing of a report on such examination and auditing of funds and accounts of political parties and publishing of a report on such examination and audit for public information.
- (v) Preparation, maintenance and revision of voters register for the purpose of any election under the constitution or laws of the country.
- (vi) Monitoring of political campaigns and provision of rules and regulations which shall govern the political parties.
- (vii) Ensuring that all its agents, which include permanent and ad hoc staff, subscribe to the oath of office prescribed by law.
- (viii) Delegation of its powers to any of its agents, representatives, or officers.
- (ix) Execution of such other functions as may be conferred upon it by the constitution or laws of the country.

To be able to carry out the above enumerated functions and ensure a viable and hitch-free electoral system, Ighodalo (2008) in a submission stated that the electoral body in charge of electoral administration must be made up of men and women of proven integrity and honesty. This is a very vital factor which any electoral system must have; it is not negotiable. The electoral body must demonstrate a good knowledge of the electoral laws and operate within the framework of these laws in concert and in synergy with political parties, security agencies, media houses, civil society groups and other relevant stakeholders or actors in the electoral process. This is the surest way by which an electoral body can conduct a free, fair and credible election and maintain a viable and hitch free electoral system and electoral management.

On the other hand, the term 'election administration' appears fluid and nebulous due to the complex set of activities inherent in the concept. Yet, as Jinadu (1997:21-22) noted, election administration entails "the organization and conduct of elections to elective (political) public office by an electoral body". In effect, election administration is the management and process of organization of all stages of an electoral cycle (that is, the pre-election, election and the post-election stages) by an electoral body. According to Iwara (2010) the components of election administration include structure and process. Structure connotes the bureaucracy that is set up to organize election while the process has to do with the rules, procedures that govern the conduct of elections. The author further conceived election administration as a systematic and procedural process of optimum usage of men and materials for the conduct of free, fair and acceptable election.

Obviously, the administration of elections occupies an important and strategic place in the enthronement of democracy. This becomes imperative as the centrality of elections to liberal democratic politics assumes the existence of an impartial election administrative body. Put differently, election administration has become central to assessments of election quality. The notion of credibility has become intimately associated with the manner in which the designated authority for administration, conduct and supervision of elections, that is, the electoral management body (EMB), executes its functions both during and between elections.

Institutional Structure and Composition of Electoral Commissions

Nigeria: In Nigeria, the primary responsibility of electoral administration rests with the Independent National Electoral Commission (INEC). The Commission consists of the chairman, who is the chief electoral commissioner, and 12 national electoral commissioners of two from each of the six geo-political zones of the country appointed by the President. The commission has offices in the 36 States and the Federal Capital Territory as well as maintains offices in all the 774 Local Government Areas. Each state office of the

commission including the FCT is headed by a Resident Electoral Commissioner (REC), appointed by the President from each state of the federation, and who upon confirmation by the Senate, are deployed to the commission's offices outside their states of origin while the local government area offices are headed by Electoral Officers who are staff the commission, and they report to the RECs. The secretary of the commission is the head of the commission secretariat and head of administration (Guobadia, 2009). The Members of the commission and the RECs are appointed to serve a five-year term, which is renewable.

INEC is the second-largest government agency in terms of its staff strength with approximately 14,000 full time staff members across the country. The commission also appoints ad hoc staff for election duty (Jega, 2012). For the purpose of efficiency, the commission's administrative structure has been restructured several times since 1999 in line with the leadership policy at different times. At its inception in 1999, the commission had eight departments and three units (INEC, 1999). At some point, the leadership decided to streamline the number of departments to six departments, three directorates and three units (INEC, 2003). After the 2003 elections it was restructured to create more departments and a longer reporting chain. Following a change of leadership in 2010, the commission was reorganized and it had 16 departments and an Electoral Institute that comprised four departments. Following another restructuring in April 2013, the commission currently has 20 departments and an Electoral Institute with three departments.

Ghana: The Electoral Commission of Ghana is simply known as the Electoral Commission (EC). The Commission is composed of the seven (7) members; a Chairman who is the chief executive officer of the commission; two (2) Deputy Chairmen who are in charge of the two broad divisions of the Commission - Finance and Administration and the Operations divisions; and four other members, all appointed by the president after consulting the Council of State. The chairman and the two deputy chairmen of the commission have permanent tenure of office and enjoy the same conditions of service as Justices of the Supreme Court.

Functional Divisions: The Commission is organized into two (2) broad areas or functional divisions, namely; (a) Operations Division (b) Finance and Administration Division. Each functional Division is headed by a Deputy Chairman (Operations) and Deputy Chairman (Finance and Administration) led by a coordinating central director. Under the current structure, the Operations Division consists of three departments: the Elections Department, the Training Department and the Research, Monitoring and Evaluation Department. The Division of Finance and Administration is composed of the Human Resources and General Services Department, the Finance Department and the Information Technology Department.

Head Office: The Commission is located at the Head Office in Accra even though by law the Commission can meet anywhere in Ghana designated by the Chairman. The Commission is required to meet at least once in every two (2) months, that is, six (6) times a year. The seven (7) members of the Commission collectively constitute the policy-making and management body of the organization and exercise general supervision over the activities of its staff. There are seven (7) departments at the Head office, namely, Elections, Finance, Information Technology, Human Resource and General Services, Research and Monitoring, Training, and Public Affairs; each of headed by a Director.

The permanent staff of the Commission is made up of two coordinating directors, for each division; 17 directors (seven at head office and ten in the regions); 138 district officers; 20 senior electoral officers at head office; and about 1010 other categories distributed among the regional and district offices.

Regional Offices: A director, assisted by at least one deputy regional director, heads a regional office of the Commission. Unlike the head office, a regional office and its staff are not formally organized into functional divisions and departments. A Regional Director and his staff combine both Operations and Finance and Administration functions. As a result, a Regional Director reports to the Commission through the head Office Directors, as the case may be.

District Offices: A District Electoral Officer (DEO) reports directly to the Regional Director, and heads a District Office of the Commission. Like a Regional Office, a District Office has no functional divisions or departments.

Election Officials: During elections, the commission recruits numerous temporary staff in the categories of registration/returning officers, deputy registration/returning officers and presiding officers and polling assistants. They are not formally part of the Commission, but their services are so vital to the work of the Commission that they must be regarded as an informal part of the structure of the Electoral Commission. The District Electoral Officer (DEO) recruits and works closely with these officials. In this connection, the DEO is required to:

- (a) Recruit the best person available of the job at hand.
- (b) Organize and supervise their proper training.

- (c) Instil in them the correct attitude towards electoral work (impartiality, probity, accountability, etc.) and to maintain the integrity of the Commission.
- (d) Co-ordinate their activities in the spirit of team work.
- (e) Accord them the importance, respect and dignity that they deserve (Electoral Commission of Ghana, 2012a).

Powers and Functions of Electoral Management Bodies

Nigeria: The 1999 Constitution of Nigeria and the Electoral Act (2010) mandates and confers statutory functions on INEC to:

- (a) Organize, undertake and supervise all elections to the offices of the President and Vice President, the Governor and Deputy Governor of a State and to the membership of the Senate, the House of Representatives and the House of Assembly of each State of the Federation.
- (b) Register political parties in accordance with the provisions of the constitution and an Act of the National Assembly.
- (c) Monitor the organization and operation of political parties including their finances.
- (d) Arrange for an annual examination and auditing of the funds and accounts of the political parties and publish a report on such examination and audit for public information.
- (e) Arrange and conduct the registration of persons qualified to vote and prepare, maintain and revise the register of voters for the purpose of any election under the constitution.
- (f) Monitor political campaigns and provide rules and regulations which shall govern the political parties.
- (g) Ensure that all electoral commissioners, Electoral and Returning Officers take and subscribe to the oath of office prescribed by law.
- (h) Delimit constituencies for representation in the National Assembly according to the number of seats provided in the constitution.
- (i) Delegate any of its powers to any Resident Electoral Commissioner.
- (j) Carry out such other functions as may be conferred upon it by an Act of the National Assembly.

In similar vein, the Constitution of the Federal Republic of Nigeria (1999) empowers federating states to constitute State Independent Electoral Commissions:

- (a) To organize, undertake and supervise all elections to Local Government councils within the State.
- (b) To render such advice as it may consider necessary to the Independent National Electoral Commission on the compilation of and the register of voters in so far as that register is applicable to local government elections in that State (Musa, 2001).

Ghana: The main functions of the Electoral Commission of Ghana (EC) as outlined in the 1992 Constitution, Act 451 of the Electoral Commission Act (1993), as amended by the Electoral Commission (Amendment) Act (2003) section 2 are:

- (a) To compile the register of voters and revise it at such periods as may be determined by law.
- (b) To demarcate the electoral boundaries of both national and local government elections.
- (c) To conduct and supervise all public elections and referenda.
- (d) Create new regions or merge the existing regions.
- (e) To keep proper books of accounts and the necessary records to be audited annually by the Auditor General.
- (f) To educate the people on the electoral process and its purpose.
- (g) To undertake programmes for the expansion of the registration of voters.
- (h) To perform such other functions as may be prescribed by law (Adu-Gyamfi, 2014).

In addition the Commission is assigned other statutory functions of conducting and supervising elections for various bodies in the country such as:

- (a) The election of five (5) members of each Regional House of Chiefs to the National House of Chiefs.
- (b) The election of the President and Vice-President of the National House of Chiefs, as well as each Regional House of Chiefs.
- (c) The election of the executive officers of the Ghana Medical and Dental Association, the Veterans Association of Ghana (VAG) and the Trades Union Congress (TUC).
- (d) The election of the Presiding Member of a District Assembly.
- (e) The Electoral Commission is often called upon to provide services, which it is not required by any law to provide. The major service in this regard is organizing, supervising or conducting elections for various organizations to select their executive officers. The Commission readily performs these services in the belief that such elections constitute a learning process for the members of the organization and that this in turn facilitates its work during general elections.
- (f) The Commission is also sometimes called upon to issue identity cards to members of an organization (Electoral Commission of Ghana, 2012b).

Electoral Management Bodies and the Administration of Elections

Nigeria: Under the ongoing Fourth Republic, Nigeria has for the first time in its post-independence experience been able to hold five consecutive elections at regular intervals (1999, 2003, 2007, 2011 and 2015). The first of these elections took place in 1999. Between December 1998 and February 1999, Nigeria had four rounds of elections. These were the Local Government Council elections of 5 December 1998, States Houses of Assemblies and gubernatorial elections of 9 January 1999, National Assembly elections of 20 February 1999, and the presidential election of 27 February 1999. These elections were contested by the three registered political parties: the People's Democratic Party (PDP), the All People's Party (APP) – (later All Nigerian People's Party (ANPP)) and the Alliance for Democracy (AD). At the end of the presidential election, Chief Olusegun Obasanjo of PDP was declared the winner and the duly elected President of Nigeria. Though there were pockets of protest regarding the credibility of the elections, the most notable being the litigation filed by the defeated candidate, who challenged the results of the elections, these protests were moderate as major stakeholders in the elections – including political parties, candidates, and civil societies – decided to sheath their swords, possibly appeased by the renewed promise of democracy and the fact that the election was meant essentially to disengage the military from politics, not much attention was paid to its credibility (Kew, 1999).

Nevertheless, allegations of electoral corruption, with the active connivance of INEC and probably the transitional military regime, challenged the administration of the election and raised basic questions regarding INEC's independence, impartiality and accountability. INEC allegedly rigged the 1999 elections in favour of Obasanjo in demonstration of military solidarity. The susceptibility of INEC to political manipulation was due to its lack of institutional and financial autonomy. All its principal officers, including its chairman, national electoral commissioners, and resident electoral commissioners, were, as constitutionally mandated, the political appointees of the President. Consequently, INEC had to rely on the executive arm, particularly the presidency, for its actions and inactions. The loyalty and accountability of INEC, therefore, was first and foremost to the executive to whom it had to go cap-in-hand begging for audience and funding.

The second elections in 2003 were regarded as a crucial step toward democratic consolidation. The administration of the elections was generally poor. INEC's organizational weakness and lack of autonomy from political forces all hampered its effectiveness. For instance, the review of voters' exercise it conducted was fraught with irregularities, particularly non-registration of eligible voters and withholding and sales of voters' cards (Omotola, 2004). The actual conduct of the elections left more to be desired. Some of the basic problems included the unnecessary militarization of the elections through the massive deployment of security forces (Ajayi, 2006). The electoral results showed that apart from gaining firm grip on the presidential seat, the PDP also had a landslide victory in the National Assembly elections, winning 75 of the 109 senatorial seats, leaving the ANPP and AD with 28 and 6 seats respectively. The 2003 elections, according to reports of local and international observers, were fraught with contradictions, including vote buying, ballot stuffing, rigging, and violence (Omotola, 2006).

The observed shortcomings largely resulted from inadequate preparation by INEC, culminating in logistical problems and inefficient officials. Pre-election activities, such as voters' registration and education, were haphazardly rushed through. In particular, the display of the voters' register for verification was not carried out effectively, as a result of which voters' registration exercises created room for electoral fraud. This engendered declining public confidence in INEC and partly explained why the election results were vigorously contested to the extent that the coalition of opposition parties unanimously announced their rejection of the results. Again, this raised the question of the independence and impartiality of INEC, and of its ability to create a level playing field for all electoral players.

The 2007 general elections were the third in the series since the return of civilian rule in 1999. Prior to the elections, the political environment was again very tense. INEC, rather than focusing on adequate preparations for the elections, was widely engaged in unnecessary distractions, most notably litigations against opposition candidates in its attempts to screen and disqualify candidates. Despite INEC's boastful expressions about its state of preparedness and ability to conduct free, fair and credible elections, events before and during the elections proved otherwise. The political atmosphere was permeated with scepticisms as to INEC's capability, independence and impartiality.

Adebayo and Omotola, (2007) noted that across the country, there was unprecedented rigging, ballot stuffing, falsification of results, intimidation of voters, and direct assault on the people. In some extreme instances, voting did not take place. Indeed, local and international observers were unanimous in their outright condemnation of the elections. That massive irregularities marred the elections is supported by some verifiable indices. First, from the conduct of the elections alone, 1,250 election petitions arose. The presidential election had eight, the gubernatorial 105, the Senate 150, the House of Representatives 331, and the States Houses of Assemblies 656 (Aiyede, 2007).

However, the 2007 elections were remarkable for a number of reasons. First, that the election took place at the expected interval was reassuring (IFES, 2007). Second, the resort to the courts to seek electoral justice was a clear deviation from the use of self-help strategies to settle electoral scores in the past. This

showed that the political class was gaining increasing confidence in the judiciary as an important democratic institution. Third, the new government's publicly avowed commitment to the rule of law, keeping faith in the courts, and executing all court judgements on the elections, even when against the PDP, pointed toward the gradual emergence of democratic political culture. These developments are important for building a democratic political culture rooted in the rule of law and constitutionalism. Though these gains do not constitute consolidated democracy, they helped reclaim public confidence in the democratization process.

The fourth election was the April 2011 general elections, which in spite of some hiccups, was acclaimed as a step forward in the nation's march towards roundly free and fair elections. Relative to the 2003 and 2007 elections, the 2011 election was more transparent as it generally reflected the votes openly cast, counted and recorded in the various polling booths. Unlike previous elections in Nigeria, the election was adjudged by political analysts and observers as the most credible election in the series of elections organized since enthronement of Fourth Republic. As summed up by Egwu (2011) the election signified 'a farewell to electoral authoritarianism' in Nigeria.

The successful management of the 2011 elections can be attributed to some factors, viz:

(i) An Inter-Agency Consultative Committee on Election Security (IACCES) was set up to coordinate the efforts of the different security agencies involved in securing the 2011 elections. The Inter-Party Advisory Council (IPAC) was also established, which further improved the dialogue between the commission and political parties (Jega, 2012). Fifty-two (52) political parties signed a code of conduct ahead of the elections, and the commission reassured stakeholders of its commitment to sanitize the electoral process by prosecuting offenders, including election personnel. This resulted to a high level of public trust in INEC as evidenced by the acceptance of the results of the 2011 elections (INEC, 2011).

(ii) The openness and transparency of the commission also aided its success. This transparency came into play when the decision to postpone the National Assembly elections by a week was taken after polling had started in some places. This decision did not degenerate into violence because the stakeholders had come to trust the commission, and they were made aware of the logistical challenges involved.

(iii) The commission established cordial relationship with the media. The responsibility for regulating the media is assigned to the Broadcasting Organization of Nigeria (BON). Section 100 of the 2010 Electoral Act stipulates regulations on media coverage of candidates and parties' activities during an election. The BON and INEC worked together to ensure that the media complied with the general broadcasting and election-related codes.

(iv) The commission also worked with the National Youth Service Corps Scheme to recruit Youth Corp members as ad hoc staff in the electoral process. In 2007 and 2011 this proved to be a success. International donor agencies also engaged with the commission to provide funds for specific aspects of the elections for which support was required (Akinduro, 2011).

In its assessment of the Nigeria's 2011 elections, the EU Election Observation Mission (2011:32) remarked that:

The elections are a convincing proof that the Nigerian authorities, institutions and electorate are determined to remain owners of their destiny and to run even better election in the future. Substantial improvements were recorded by the commission. According to the findings of our 141 observers, almost all Polling Units opened timely, the atmosphere was predominantly peaceful and calm. Logistics, organization of accreditation and counting was improved in most locations.

In effect, INEC gained credibility since the appointment of Prof. Attahiru Jega as the new chairman in 2010. Obviously, as observed by Omotola (2010), prior to 2011 elections most Nigerians hardly trust democratic institutions and actors under the Fourth Republic. For example, in a 2007 post-election survey by Afrobarometer, INEC and political parties recorded a negligible level of societal trust and confidence of 4.83% and 26.81% among Nigerians, respectively. This was insignificant compared to Ghana's 98.62% and 89.66%, respectively. But this changed dramatically in 2011 and 2015. For example, the results of 2015 post-election survey by IFES indicated that public awareness of INEC and activities of political institutions, particularly political parties increased significantly from 71% to 87% while the level of public confidence and trust in INEC rose significantly from 48% to 85% respectively (IFES, 2015).

Ghana: Since the commencement of Ghana's Fourth Republic in 1992, the Electoral Commission in Ghana has grown in independence, professionalism and assertiveness with every successive election (1992, 1996, 2000, 2004, 2008, 2012 and 2016). This is possibly because the EC has always demonstrated a "willingness to engage actively in confidence-building, the development of a transparent management style, where party grievances were addressed before they became serious allegations against the EC" (Elklit and Reynold, 2002:103). The Commission has also taken into consideration opposition's complaints against the 1992 elections in subsequent ones, a development that helps it achieve national respectability and acclamation. In a nation-wide survey conducted in 2002, an overwhelming majority (80%) of an expert panel assessed the commission as 'always or largely' impartial and transparent in its activities.

The EC is generally acclaimed to have contributed to the high level of internal democracy that has become a referent feature of civil society organizations in Ghana, where ‘the EC is increasingly called upon to organize, supervise and validate the election of their directing organs’. For this reason, “the EC helps institutionalize democratic procedures and contributes to the legitimacy and validity of a significant segment of Ghanaian civil society” (Lemarchand, 1998:6). Describing the virtues of Ghana EC that enhanced its democratic credentials, Lemarchand (1998:2) further noted that:

Over and above its mandates, the EC has been remarkably innovative in expanding its jurisdiction to new area in response to changing circumstances. Although the current EC’s commissioners and the chair are presidentially-appointed, their reputation for impartiality and competence is well-established. For these and other related reasons, the Ghanaian EC has been enjoying the support of other institutional actors in the democratization process, simplifying and aiding its work.

It can be deduced from the above that the Electoral Commission of Ghana has worked very hard to protect its independence. It has organized successful elections at the local to the national levels. Since 1996, the Commission has worked in collaboration with all the political parties through the Inter-Party Advisory Committee (IPAC). The IPAC was established in 1994 by the Commission to build trust among the Commission and the political parties following the opposition’s boycott of the 1992 parliamentary election. It brings together the representatives of all registered political parties to deliberate, share ideas and offer advice on electoral matters. Through this consultative process, the Commission and the political parties have built consensus on many contentious issues. These issues include the introduction of the ‘lottery system’ to determine the position of candidates on the ballot papers and the introduction of transparent ballot boxes to replace the opaque ones used for the 1992 general elections. They also reached consensus on the representation of political parties by agents at the polling stations and the presence of political party representatives at every process during the collation and declaration of election results. These reforms have improved the transparency and integrity of the electoral process. Elections have been very successful because of the growing independence of the Commission and the improvement in its administrative capacity with each election (Jockers, Kohnert and Nugent, 2010).

In the run up to the 2012 elections, the Commission worked with the political parties on the introduction and implementation of the new biometric voter registration system. The Commission also worked with some civil society groups, especially religious groups to educate their congregations on how the system works. Despite initial concerns and complaints about the possibility of the commission disfranchising some potential voters due to logistical constraints, the agents of the Commission managed to register most potential voters. According to the 2010 National Population and Housing Census, Ghana’s total population was 24,658,823, and it was estimated to be 24,965,816 in 2012 (Ghana Statistical Service, 2010). The biometric voters’ registration exercise recorded 14,031,763 potential voters. This figure translated into 56.2 percent of the total population and represented the largest percent size of the population since 1992. The percentage of the total population in the voters’ register in 2008 was 54.5 percent. The 2004 voters’ register had 49.5 percent of the total population with 10,354,970 potential voters in the register. In 2000, the voters’ register had 10,700,252 names, which represented 55.5% of the population (Otchere-Darko, 2013).

In preparing for the 2012 general elections, in order to ensure that it had properly evaluated the biometric verification machines, the Commission organized mock elections in selected rural and urban constituencies across the country. Moreover, when some verification machines failed to work on the day of the general elections, the Commission acted in a timely manner. It issued a press statement to postpone voting to the following day in the affected polling stations (Myjoyonline.com, December 8, 2012). That timely intervention by the Commission calmed voters and the political parties who were agitated by the breakdown of the machines. Furthermore, the Commission has demonstrated maturity in times of crises. For example, on December 9, 2012, the opposition New Patriotic Party (NPP) wrote officially to the Commission requesting for a delay in the declaration of the presidential election results. According to the NPP, it was necessary for the commission to investigate the allegation of widespread electoral malpractices that occurred as some electoral officers allowed some voters to vote without going through the verification process. In response to the NPP’s request, the EC invited it to a meeting and asked it to present its evidence.

However, at the end of the meeting which was also attended by the National Peace Council, the Commission said it could not grant the request by the NPP because of insufficient evidence and advised the NPP to go to court if it felt aggrieved. The Commission then went ahead to declare the incumbent president and candidate of the National Democratic Congress (NDC), John Dramani Mahama, as the winner. He secured 50.70 percent of the votes. After the meeting, the leadership of the NPP addressed a mammoth rally of party supporters who has gathered at a popular spot in Accra and had intended to organize a massive protest against the declaration by the Commission. But Nana Akufo-Addo admonished them to disperse and get back to their routine and assured them of the intention of the leadership to challenge the results at the Supreme Court (Appiah, 2012). The fact that the Commission organized a stakeholders meeting with the NPP, and dismissed

the allegations of electoral malpractices after some consideration of the evidence helped to prevent the outbreak of violence under that tensed situation.

As far as the Electoral Commission is concerned, despite its impressive record in the conduct of elections, it also faces many challenges. The Commission has not done very well in term of enforcing the law that regulates the operations of political parties. Currently, 21 political parties are registered with the Commission but most of them exist only on paper. They do not satisfy the constitutional requirements to operate as political parties. The Commission is mandated to ensure that all political parties have functional offices in at least two-third of the districts in the country but it has failed to do that. Act 574 Sections 13 (1) and 15 (1) of the Political Parties Act (2000) require political parties to furnish the Commission with details of the existence and locations of their constituency, district, regional and national offices within 90 days after they are issued with the initial certificate of registration or at a later period if the Commission allows. Though the Commission has conducted occasional inspections and assessments of political parties, it has failed to apply to the court for the cancellation of the registrations of dormant parties. In addition, the Commission has not enforced the law which requires the political parties to file audited accounts with the Commission after every election. The NDC and the NPP which have so many financial resources have particularly failed to comply with this law but the Commission has never imposed any sanction on them as required by law.

Again, the haphazard manner in which the Commission handled some electoral matters before the 2012 election exposed its administrative lapses. For example, the Commission's handling of the re-demarcation of the constituencies left much to be desired. The initial legislative instrument it submitted to Parliament for the re-demarcation of the constituencies was full of errors which prompted the Constitutional and Legal Affairs Committee of Parliament to recommend the rejection of the legislative instrument No. 73. The Commission had to withdraw and bring a revised version, legislative instrument No. 78. The delay in the passing of the legislative instrument affected the electoral timetable, which generated suspicion from the opposition parties. They expressed doubt in the ability of the Commission to conduct a free and fair election. After the election, the Commission admitted that the problems it encountered with the re-demarcation of the new constituencies affected its conduct of the election.

Also, the Commission faces a problem with the attitude of its chairperson, Dr. Kwadwo Afari-Gyan. He had been very independent and firm and had handled the complaints of the political parties very well in past elections. However, during the 2012 general elections, he treated some complaints with contempt and some political parties had to resort to the courts for redress. His posture came under severe criticism by the Supreme Court. When the hearing of the presidential election petition drew to a close, Justice William Atuguba in his concluding remarks rebuked the chairperson of the Commission for telling aggrieved parties to go to court at the least opportunity. Justice Atuguba said, "I hope you have seen that 'go to court, go to court' is not easy" (Banaseh, 2013:3). Also, in delivering his ruling at the end of the election petition hearing, Justice Dotse expressed unhappiness about the way the chairperson handled the concerns of the petitioners before they went to court. He was of the view that, if the electoral commissioner had exercised a little bit of tolerance and discretion, which are hallmarks of the type of office which the chairman occupies, the quick resort to the court may have been avoided (Supreme Court of Ghana, 2013).

Conclusion: Comparative Notes of Divergences and Convergences

Within the purview of the analysis in the paper, the following observations, which are of historical, theoretical, conceptual and above all comparative relevance became obvious. First, in contrast to Ghana where, by the virtue of the Electoral Commission Act of 1992, the chairman and members of the Commission are appointed by the president but are accountable to the parliament, the Nigerian chief electoral officer is often associated with the ruling party and the president. The constitutional condition that the appointment of the INEC chair and members be made by the Nigerian president, subject to confirmation by the Senate (according to section 153: i(f) and 154:1-3 of the 1999 Constitution) has rather made the INEC beholden to the president rather than to the National Assembly or to judiciary. Thus, in contrast to the Nigeria's INEC which could be enormously influenced by the presidency, and by extension the ruling PDP, the Ghana EC has been generally seen by stakeholders including parties, voters and observers as 'the most trusted institution' of democracy in Ghana.

Second, since Nigeria's returned to democracy in 1999, elections have been held under politically and logistically difficult circumstances that made them less free and fair when compared with Ghana. Unlike in Ghana where largely free, fair and credible elections have been conducted since the 1990s, most electoral contests in Nigeria since the return to civil rule in 1999 have been controversial and substandard. Apart from the twin problems of electoral manipulation and violence, there is problem with electoral legitimacy, which again is more problematic of the Nigerian system: partisan and ineffective election management. While Ghana has institutionalized modest rules and regulations of election management and administration, Nigeria has been less effective in terms of the most fundamental preparations for elections.

Third, in Ghana, elections are more peaceful and less rancorous in comparison with Nigeria. As a non-dominant party system, Ghana, unlike Nigeria, can be said to have passed the ‘alternation test with the smooth transition of power from President Rawlings of the National Democratic Congress (NDC) to President John Kufuor of the New Patriotic Party (NPP) and then back to John Atta Mills of the NDC and again to Nana Akufo-Addo of NPP. One can argue that despite crucially similar presidential designs and almost the same military-civil rule path, prospects of sustaining democratic consolidation are brighter in Ghana because no single party dominates the system.

Fourth, the Ghana’s EC and Nigeria’s INEC has done relatively very well in that they have worked with the political parties in the context of the IPAC to initiate many electoral reforms since 1996 in Ghana and 2011 in Nigeria. Electoral reforms such as the representation of the parties by agents at the polling stations, at the collation centres and at the headquarters of the Commission during compilations of election results have enhanced the transparency of the electoral process. With the introduction of the biometric verification registration machines during the 2012 and 2015 elections respectively, both Commissions detected and eliminated multiple registrations, thus enhancing the integrity of the voters’ register.

From the foregoing, it is obvious that the situation in Ghana is in sharp contrast to the Nigeria’s experience, where INEC has become the butt of main political actors, including opposition parties, civil societies, the international community and the generality of the people. INEC is widely known as not independent, partisan, partial, ineffective, non-professional and as an institution with little credibility among Nigerians. Nigerians have severally expressed no trust in the capability of INEC to successfully conduct elections in Nigeria, save for the 2011 elections. This contrasts the Ghanaian case where societal trust in the Electoral Commission is very high, such that they expressed strong confidence in the Commission. Such a massive dismissal was predicated upon the abysmal records of INEC since 1999. The main failings of INEC include its usually poor preparations for elections, poor respect for the rule of law, failure to create a level playing field for all parties and candidates, among others. Political analysts attribute these problems to INEC’s gross lack of independence, given its composition and funding by the presidency; the poor quality of its leadership and its corrupt dispositions. The above no doubt confirms the hypothetical position of this paper that “the more an Electoral Management Body is independent, the more the likelihood of conducting credible and acceptable elections”.

RECOMMENDATIONS

Based on the analysis in the preceding sections and the observed differentials in election administration in Nigeria and Ghana, the paper made some recommendations as follows:

- (i) The independence and credibility of electoral management bodies in Nigeria and Ghana should be guaranteed by modifying the procedure of appointing and composing its members. The current practice is not desirable where the president appoints the members with the approval of the Senate/parliament. By this method, the president has the power to appoint members of his party to the commission thereby eroding the desired non-partisanship character of the body. Thus, for INEC to earn the expected credibility, its members should be nominated from human rights and pro-democracy civil society groups and the rank of professionals, notable and credible non-partisan Nigerians and their tenure should be made more secured as in Ghana.
- (ii) The Independent National Electoral Commission should be re-strategized to make for transparency in the electoral management process and to practically address obvious defects of previous elections. On the other hand, the Electoral Commission of Ghana should continue to sustain its standards of professionalism in all areas of the electoral processes to consolidate transparency and consensus all the way through the electoral process – before, during and after elections.
- (iii) Efforts should be made as much as practicable to make elections less acrimonious and crisis prone. It is absolutely necessary for the government to ensure good political environment that is free of intimidation, which provide for all contestants a fair and level playing ground to file their nomination papers, move around to campaign and use the media (both publicly and privately owned). In addition, security agents must remain neutral and sufficient in order to maintain law and order and prevent eruption of violence.
- (iv) The electoral body should be adequately funded to meet its logistics and operational needs. Thus, INEC should receive its statutory allocation in the annual budget, thereby reducing its financial dependence on the presidency. This measure will considerably enhance the independence of the electoral agency and save it the burden of going to the presidency cap-in-arms for needed resources.
- (v) Since countries are likely to live up to expectations when the eyes of the ‘International Community’ are turned on them, Nigeria and Ghana should therefore continue to invite and receive election observer groups/missions during general elections. Continuous elections observation and monitoring will

provide an independent perspective of incidence and also encourage compliance to electoral laws and international legal obligations.

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